

# The Mediator

2003 Fall Edition

#### **SEEDS OF HOPE**



Farm Mediation

One of the goals for the Farm Mediation Program has always been to provide information about available resources that can make a difference in our lives and our family's well

being. With this in mind, we joined the task force, "Seeds of Hope," to help create a response to the needs of farmers and ranchers in Nebraska.

In this issue of The Mediator, we have added a new "seed" in the form of information provided by Nebraska Legal Services about the Risk Management Agency and what it can mean to you and your farm business.

How do you Manage the risk factors? Are you like: Grandma who always said, "Don't put all your eggs in one basket."; Grandpa who stated with authority, "Don't

# Farm Mediation and Risk Management

spend more than you can afford to lose if you're trying something new."; or the neighbor who preached, "You have to spend money to make money!"

The Farm Mediation Financial Clinics are free to all Nebraska farmers and ranchers. You will have the opportunity to meet with a financial counselor and an attorney who specialize in risk management, farm law and finances. All meetings are individual and confidential so you can bring your farm records and ask questions! For an appointment, call the Rural Response Hotline at 800-464-0258.

In addition to the information provided in this newsletter, a session on risk management will be added to the Farm Mediation Financial Clinics to provide education and practical examples of how you can assess the risks involved in your operation and how to make contingency plans best suited to you

### Special points of interest:

- Don't hesitate to get help if you're under stress.
- Insurance has emerged as one of the primary methods of transferring or minimizing risk.
- "Good farming practices" now specifically includes sustainable and organic farming practices.

# Managing Risk in RMA Nebraska Agriculture



This newsletter is intended to provide Nebraska's farmers and ranchers with information about resources and services available to reduce risk in farming and ranching. Information is available, both here and on the web sites listed below, to assist Nebraska's producers in managing risk in agriculture. Production risks have been a large part of Nebraska agriculture since the days of the pioneers. Weather, disease, and insects result in a continual struggle to achieve desired production levels. Most producers would cite the weather as the biggest risk in farming or ranching. It can be too hot, too wet, or too cold for at least a portion of nearly every year. Add hail, wind, snow, or frost and the risks from

weather clearly become significant. Farmers have used a variety of strategies to reduce production risks, including irrigation, crop rotation, summer fallow, variety selection, seeding population, reduced tillage, proper fertility levels, herbicides, insecticides, vaccination, genetic selection, livestock facility design, and enterprise diversification. All of these production practices continue to be important tools in risk management. Also increasingly important are insurance products, such as crop and revenue assurance. While many producers have historically used federal crop insurance programs, newer revenue assurance programs are less familiar. It is our intent to provide more information about new programs that might join the traditional tools used by producers to manage risk.

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### Risk Management Information on the Web



USDA's Risk Management Agency Web Site www.rma.usda.gov

The Nebraska Legal Services website at www.nebls.com has several articles intended to help farmers and ranchers learn more about programs, services, and options to manage risk in agriculture. The information discusses legal rights farmers and ranchers have in bankruptcy and debtor/creditor law: farm leases: federal loan and conservation programs: zoning and environmental laws impacting livestock production; and production and marketing risk management. On the website click on "Booklets and Clinics" or "Special Projects" to access the information. "Factsheets" for the eight topics covered are also available by calling the Nebraska Farm Hotline at 800-464-0258. Information can also be found on the USDA's Risk Management Agency w e b s i t e a t www.rma.usda.gov, including a map of drought areas in the country and information about insurance products available to farmers and ranchers.

Decisionmaking is like a hurdle race. The key is to find the first hurdle and focus your eyes on it, and what it takes to clear it.

There will be more hurdles, but the race can't be won until the first is cleared.

# Resources for Nebraska's Farmers and Ranchers

Nebraska has many programs offering special help to Nebraska farm producers. Nebraska Farm Hotline - The Hotline should be a producer's first stop for information on resources and services available. Located in the Nebraska legal Services office in Bancroft, the Hotline is sponsored by Interchurch Ministries of Nebraska. Call 800-464-0258. Nebraska Farm Mediation Services - Administered by the Nebraska Department of Agriculture, the Mediation Service offers financial preparation and mediation to producers facing disputes with private lenders and/or any USDA agency. Call 800-446-4071. Farm Finance and Legal Assistance Clinics - These free clinics are sponsored by the Farm Mediation Service and are held monthly in Beatrice, Norfolk, Ainsworth, Grand Island, Lexington, North Platte, and Alliance. They are staffed by experienced attorneys and financial counselors. Call 800-464-0258. Nebraska Legal Services - Free legal assistance is provided throughout the state to income eligible individuals. Call 877-250-2016.

# Making Decisions in Stressful Times

If you wonder why you can't make snap decisions like you once did or you constantly second guess yourself, stress may be affecting your life more than you realize.

Events of the last year have easily increased stress levels for Nebraska producers even more than usual. Threats of war, the drought, low commodity prices, higher input costs, federal farm program uncertainty, shortage of livestock feed, prospects of a long winter, and simply the high cost of living all contributed to a year widely considered stressful. You are not alone if you're wondering whether there will be enough money to pay bills; whether there will be feed for the livestock; whether the bank will finance the operation again; or whether quitting while you still have equity isn't the best option.

Stress symptoms can vary from simply being more irritable to health problems such as heart attacks, depression, and alcohol abuse. If you're experiencing these symptoms don't hesitate to get help. Begin taking control. The Nebraska Farm Hotline coordinates access to many programs that offer counseling and other services to stressed producers. Call 800-464-0258 to get the help you need. If you feel you can do this on your own, also consider trying this simple decisionmaking process:

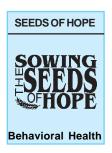
- Be specific and identify the problem as precisely as possible. Follow the old "divide and conquer" philosophy. Broadly defining the problem as "there isn't enough money in farming anymore" only makes the problem impossible to solve. It's too large and there's no place to begin. Try instead to divide the problem into bite size pieces. Focus on reducing herbicide costs or increasing pigs/litter. Problems at those levels can be solved.
- 2. Consider all the possible options.

  Generate as many options as possible

- and consider them all, not just those you've tried before. Be creative.
- Choose the best 2-4 options. Choose the ones that seem most feasible. Consult "experts" and get second opinions.
- 4. Evaluate the costs and benefits of your options. Write down and quantify your options. Remember also that decisions aren't just made on dollars and cents but on likes, dislikes, past experiences, and hunches.
- Make the decision. Accept the decision because it was made with the best information available to you. There is no guarantee everything will turn out perfectly but you'll know why you decided as you did.
- Set a specific date to review your decisions. Always review the effectiveness of your decisions and make adjustments if necessary.

# Stigma in Rural America: Internal, External, and Occupational

by Kathleen Samuelson



Rural agricultural producers appear to be confronted with three types of stigma: *Internal, external, and occupational.* 

Internal Stigma Stigma where one views self as flawed or weak, "not up to

par" with everyone else is internal. This type of stigma is learned through societal influences and beliefs over a long period of time. Reluctance to seek treatment is a direct result of this belief, more specifically in rural America due to the "shame effect" that family and friends would discover the "flaw." As the farm crisis continues, more rural residents will be experiencing greater stress, and the need for mental health services will increase, but the barriers (stigma and

access) to those services remain strong enough to prevent many from seeking help from mental health professionals.

Unfortunately, counseling, unlike physicals or dental check-ups, is not viewed as preventive or routine care. Why is the organ called the "brain" so different from the "heart" or "liver"? It is

certainly acceptable and encouraged to seek treatment when either the

heart, liver, or other organs fail to function as they should, except the brain. Many rural residents have internalized this belief and are reluctant to seek treatment in the earliest stage of stress, depression, insomnia, etc., and consequently succumb to the internal stigma they have learned so well . . . often needing more intensive and longer-term care or experience more critical consequences than would be the case if self-inflicted stigma were not present.

#### External Stigma

Stigma that is inflicted by outside sources (neighbors, friends, family, etc.) is external. Though most people would say

publicly that everyone should seek therapy or counseling when in crisis, it appears to be true only when it is "someone else's" family member or friend. The entrenched thinking that anything associated with mental illness has to be whispered about and "kept quiet" still prevails in our enlightened society of the 21st Century.

In rural America, the motive or desire to "keep the secret" may be stronger due to the fact that everyone in the community knows everyone else and will visit about one another. This can be an asset of rural America - that we know and care about one another - except when someone has a mental illness. Society's inability to accept (stigma) and failure to teach

In many professions it is socially acceptable to be "laid off" due to corporate downsizing and/or a sluggish economy. But in the farm and ranch vocations, it is perceived as a failure of some sort on part of the farmer or rancher. It is as though these professions are somehow in control of forces that impact their livelihood (regardless of the 12- to 18-hour days) while other professionals are merely victims of the economy or corporate restructuring.

Of course! We are all aware that farmers/ ranchers can control the weather, interest rates, shipping/trucking fees, seed and fertilizer costs, taxes, and commodity prices - that is obviously why they are to blame when weather damages crops, the costs for fertilizer, seed, and transporting



"Oh, he was a farmer, but he lost the farm." Or, "They went belly-up in farming, you know."

friends and neighbors how to relate or help those with a mental illness often means that they are lonely, and the healing process is prolonged.

#### Occupational Stigma

Occupational stigma exists in rural America due to the perception of many in our society that somehow farmers/ranchers are responsible for their own demise in agriculture or ranching. Farmers/ranchers also join in blaming themselves all too often when their operation is no longer "financially viable," as the letter in the mail from their lender so kindly informs them.

their produce increases, interest rates and taxes go up, and the commodity market goes down. Farmers and ranchers internalize blame on themselves as though they had control of any of the aforementioned factors and society at some levels does the same thing when we say or hear, "Oh, he was a farmer (or rancher), but he lost the farm (ranch)." Or another often heard comment, "They went belly-up in farming, you know."

No other profession takes so much personal and societal responsibility for forces beyond their control that impacts their financial viability. Perhaps it is time to change our thinking . . .

# **Crop Insurance Options**



Insurance has emerged as one of the primary methods of transferring or minimizing production risks. Insurance products range from products that insure against production loss caused by a specific peril, such as hail, wind, or fire to multi-peril products such as federal crop insurance. Crop Revenue Coverage (CRC) insures both production and price. This product is a true revenue or \$/Acre guarantee. Loss can result from reduced production due to any covered peril, or from reduced price, or from a combination of price and production. Coverage is determined by choosing the percent of Actual Production History (APH) the producer wants to guarantee, multiplied by either the planting price or the harvest price, whichever is higher. The "planting price" is the February average of the December board for corn and the November board for beans. "Harvest price" is the October average of

the December board for corn and the November board for beans. There are also established prices for other crops, such as wheat and oats. Indemnity results when the actual yield multiplied by the harvest price results in \$/Acre less income than the revenue guarantee. Crop-Hail Insurance pays a production loss if it was caused by hail and only hail. Coverage level is based on a \$/Acre of coverage. The loss is estimated by an insurance adjuster and then multiplied by the \$/Acre of purchased coverage. Actual Production History — Multi Peril Crop Insurance (APH-MPCI) establishes a coverage level by determining a yield guarantee based on a percentage of the actual production history. APH-MPCI pays an indemnity only if there is a loss in production due to any covered peril below the coverage chosen by the producer. The loss is then multiplied by an established price to determine the amount of the indemnity paid.

Crop Revenue Coverage
insures both production
and price. The product is a
true revenue or dollar per
acre guarantee.

# New Grassland Reserve Program

A new Grassland Reserve Program was created in 2002. It is a voluntary program for landowners and operators who seek to restore or protect grasslands, including pasture and rangeland. The land can continue to be haved and grazed but crop production (other than hay) is not permitted. The land may be enrolled by placing 30 year or permanent easements on the land or by making 10, 15, 20, or 30 year rental agreements. Easement values are determined by a professional appraisal and a landowner is paid 30% of the land's fair market value minus the land's grazing value. Rental agreements require participants to receive not more than 75% of local grazing value rental rates. Restoration costs are also available. For more information contact your local USDA Service Center.

# Negotiating a Restructuring of Debt

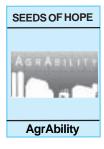
In any mediation or negotiation a producer should consider the following questions about the farm or ranch's debt structure:

- How much debt is the farm or ranch carrying?
- 2. Can the cash flow support the debt?
- 3. Can short term debts be spread out over a longer term?
- 4. Can the rate of interest be reduced?
- 5. Can an operating line of credit be turned into a term note?

- 6. Will new collateral need to be offered?
- Can existing debt be refinanced, such as with the Farm Service Agency?
- 8. Are there assets that the farm can do without and that could be sold to reduce debt?
- 9. How would a partial liquidation impact the cash flow and what are the tax consequences?
- 10. How would a bankruptcy impact debt structure?



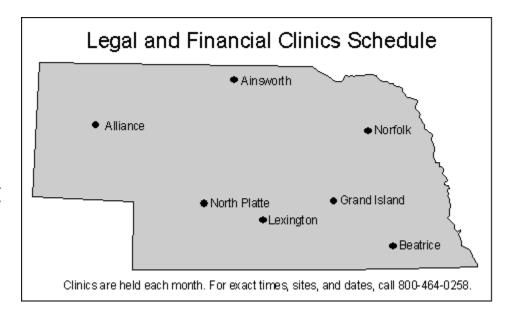
## **Nebraska AgrAbility**



Nebraska AgrAbility, a program of Easter Seals Nebraska and the University of Nebraska Cooperative Extension Service, provides comprehensive education and rehabilitation technology services for

farming and ranching families affected by mental and physical disabilities.

Case management services include needs assessment, information and referral, client education, and disability benefits counseling and advocacy. Call 800-471-6425 for more information.



# Nebraska: Certified Farm Mediation Program for Fifteen Years!

Fifteen years ago, The Nebraska Farm Mediation Service was certified by the United States Department of Agriculture to provide services to Nebraska farmers and ranchers and their lenders. The first years were hectic! The ag crises of the 80s were taking their toll on farmers and lenders alike. People were tense, short tempered, and depressed, but out of that came programs designed by people to help themselves, save dignity, and make their own decisions!

The Farm Hotline had been established in 1984 by a group of people from the Churches (Interchurch Ministries), Legal Services, and several farm groups including WIFE, The Center For Rural Affairs, Farmers Union, etc. The Nebraska Cooperative Extension Service and the Nebraska Department of Agriculture were also part of this group who formed the Farm Mediation Task Force in 1986.

"Traditional sources didn't seem to meet the needs," stated Kathleen Serverens, the first director of the Farm Mediation Service. She said, "They didn't take into account family life or feelings about the farm." "We had taken some training in negotiation skills and really needed to do more of this", she continued.

According to Severens, "They were a persuasive group of people, working together. We went to The Nebraska Legislature and the Farm Mediation Act was passed in 1988." The Nebraska Department of Agriculture was designated as the administering agency to give agricultural borrowers and lenders a way to resolve financial disputes without litigation.

Today, Nebraska is one of 30 states who have a certified farm mediation program. The program has been expanded to include adverse decisions of the following issues under the jurisdiction of the U.S. Department of Agriculture:

- 1. Wetlands determinations;
- 2. Compliance with farm programs, including conservation programs;
- 3. Agricultural credit;
- 4. Rural water loan programs;
- 5. Grazing on National Forest System land;
- 6. Pesticides; and
- 7. Such other issues as the Secretary considers appropriate.

Many of the same people who began this program are still working with it today. Other new employees have been added throughout the years as the number of people we serve has grown. The part time

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Farm Mediation

employees are contracted through Nebraska Legal Services to provide:

- Legal and financial education and information at the clinics that are held at seven sites across the state;
- Detailed financial preparation and counseling for borrowers and creditors before mediation;
- 3. Mediators to facilitate the discussion between the disputing parties; and
- 4. Intake and scheduling staff to set up the services as needed.

Farm Mediation continues to serve the farmers and ranchers in addition to the many lenders and USDA offices in Nebraska. With the ever smaller profit margins and the drought we have experienced, the need for mediation services has grown. Also, we are no longer the last resort before bankruptcy or foreclosure, but are the place to get a true picture of our options while we still have some very good choices to make.

#### **To Find Out More:**

Farm mediation is a voluntary process designed to resolve financial conflicts between farmers and lenders. If you are interested in finding out more, call toll free at 800-446-4071.

# Final Rule on Crop Insurance Provisions

USDA's Risk Management Agency has issued a final rule on basic provisions of federal crop insurance programs for the 2004 crop. Among other things, the final rule includes limits on multiple insurance benefits on the same acreage in the same crop year; allows a second crop to be planted on acreage where a first crop was prevented from being planted: and adds an informal review process for decisions on "good farming practices." The definition of "good farming practices" has been changed to specifically include sustainable and organic farming practices. Good farming practices for conventional or sustainable farming practices will be those generally recognized by agricultural experts in the area, while good farming practices for organic producers will be those

generally recognized by the organic agricultural industry. An insurance provider may also ask the Federal Crop Insurance Corporation to determine whether a production method will be considered a "good farming practice." The final rule says a prevented planting payment will be reduced if a volunteer or cover crop is hayed, grazed, or otherwise harvested after the late planting period is not applicable, or if the producer receives cash rent for any acreage that was prevented from being planted. The amount of the premium will also be reduced proportionately when an insurance payment is reduced. Separate records must be maintained for acreage subject to insurance payment reductions when a second crop is planted.

# For more information, contact:

Nebraska Legal Services P.O. Box 325 Bancroft, NE 68004 Phone: 800-464-0258 Fax: (402) 648-3461 E-mail: msoll@nebls.com

WE'RE ON THE WEB AT WWW.NEBLS.COM

## **Drought Resources**

According to the USDA Risk Management Agency, much of Nebraska continues to suffer from drought conditions. Hot weather and limited rainfall are once again threatening crops and rangeland. As yet another year of drought conditions plague Nebraska producers, it's increasingly vital that they fully understand available insurance options and other methods for reducing risk in agricultural production. Nebraska Legal Services, the University of Nebraska, and many other organizations in the region are partnering together to bring even more information and assistance to producers suffering from long-term drought conditions. Contact the Nebraska Farm Hotline at 800-464-0258 to seek the help you need to cope with risk in farming and ranching.

The state of Nebraska has pulled together a number of resources under a website at www.droughtcentral.org. This site serves as a clearinghouse and contains links to state agency programs addressing drought, as well as other resources. For more information log on or call the Nebraska Department of Agriculture at **800-831-0550** and ask for the drought web site content coordinator.

The University of Nebraska's Institute of Agriculture and Natural Resources regularly updates its drought web site at http://ianrhome.unl.edu/drought/ with important information for farmers and ranchers weighing drought-related production decisions.

# **Cooperative Extension and Rural Distress**

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Cooperative Ext.

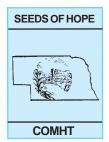
By John DeFrain

Cooperative Extension, an outreach arm of the University of Nebraska and a partnership with the counties and the federal government, delivers research-based education across the state. In response to recent difficulties in rural Nebraska, Cooperative Extension has been active in many ways:

- The play Farm Alarm, a serious yet humorous look at the challenges rural couples face, was performed by a Minnesota theater group before audiences totaling 600 in Aurora, Minden, and Beatrice and sparked considerable discussion.
- Weathering Tough Times, a four-hour satellite video conference, was broadcast from North Platte to professionals and interested laypersons. Extension family specialists from the University of Nebraska, Iowa State University, and Kansas State University contributed.
- Extension has been active in the development of a Nebraska State Action Plan grant proposal which garnered \$3.6 million from the federal government for extending behavioral health care to underserved populations across the state.
- Youth-oriented programs through 4-H focus on strengthening families and communicating positively. More than 122,000 young people in Nebraska are members.
- NU for Families, a statewide educational program, focuses on Building Strong Families. A web site contains a vast amount of material on creating strong families: http://nuforfamilies.unl.edu.
- Women in Ag, a statewide organization for education and support, draws hundreds of Nebraska rural women to its annual meetings.
- Couple and family counseling is offered through the Family Resource Center on East Campus at UNL. Using the University's technological resources, the counselors work with client families in the Sandhills.

Phone your local Extension office for educational materials and good ideas.

# Nebraska Farm Crisis Response Council of Interchurch Ministries of Nebraska



Nebraska farmers. ranchers, and their families continue to receive counseling and support through the Rural Response Hotline. The Hotline, in operation for 17 years, is one of the primary services

provided by Interchurch Ministries of Nebraska's Farm Crisis Response Council. Hotline staff spend time with each caller discussing issues and needs. Referrals may be made to attornevs, financial counselors, clergy, or other farmers. Callers are assisted in dealing with stress, depression, and other emotional issues that affect the health and decision-making abilities of a caller.

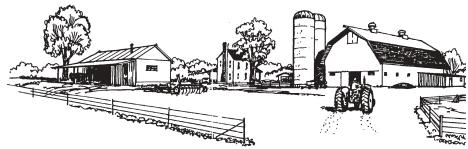
Through Counseling, Outreach, Mental Health Therapy (COMHT), individuals

affected by the rural crisis can receive cost-free, confidential mental health counseling. Funds to support the voucher program are provided by the Nebraska Health and Human Services System and the Federal Office of Rural Health Policy.

In 2002, 4,366 calls were made to the Rural Response Hotline; a significant increase from the 3,944 calls made in 2001, and 3.345 calls made in 2000. Mental health providers throughout the state were reimbursed for 2.878 counseling sessions. The 2002 report shows that more men than women were first-time callers, and the number of children who received counseling increased.

As the need for the Nebraska Rural Response Hotline and the COMHT services continues to grow, increased efforts are being made to ensure the support and sustainability for an ongoing rural response program.

#### NEBRASKA RURAL RESPONSE HOTLINE: 800-464-0258



# Nebraska Health **Ministry Network**



**Health Ministry** 

As insurance rates and health costs continue to rise, health and wellness become even more important to people of all ages. The Nebraska Health Ministry Network, through Interchurch Ministries of Nebraska, serves

people on farms, ranches, and in rural communities by integrating health and faith within neighborhoods, communities. and congregations. Churches and health agencies have begun to work together to look at not only how we can serve people who are ill, but how we can keep people well. Health is more than the absence of disease. Unhealthy lifestyles lead to over 50% of the premature deaths in the United States.

Health ministry activities may include blood pressure screening and education, exercise classes, flu shots, blood drives, grief counseling, support groups, environmental issues, health fairs, mental health awareness, nutrition, parenting, and advocacy. The list is endless and differs in every community, depending on the needs of resources available.

For more information about Health Ministry, contact Ronnette Sailors at (308) 345-5605, or via e-mail at rlsailors@mccooknet.com.

# A Response to the Mental Health Needs of Farm/Ranch Families



SEEDS OF HOPE

Behavioral Health

By Dennis Berens

What you sow is what you reap! If that saying is true, then the "Sowing the Seeds of Hope Project" should have a bountiful harvest in Nebraska.

Three years ago, seven Midwest and Great Plains states worked to create a collaborative response to the needs of farmers and ranchers in their states. Those partners are Nebraska, Iowa, Kansas, Minnesota, North Dakota, South Dakota, and Wisconsin.

Nebraska created a partnership task force consisting of the Nebraska Department of Agriculture, Farm Mediation Program, Interchurch Ministries of Nebraska, Nebraska Rural Health and Safety Coalition, Nebraska Health and Human Services, Community Mental Health, and Office of Rural Health.

Nebraska is focused on providing mental health vouchers to rural people who call the Rural Response Hotline requesting this service (see story above).

The Nebraska coalition welcomes reaction to the voucher and youth education models. Members would also welcome your ideas on how to better help your rural friends and neighbors. We would especially welcome ideas on the

prevention of mental health and substance abuse problems.

We encourage each of you to sow the "seeds of hope" among farmers and ranchers. It is our state's sense of community and how that community works to support its members that will really make this project a success. We are all the sowers, and we are all the reapers.

For more information, contact:

Nebraska Rural Response Hotline 800-464-0258 **Dennis Berens, Coordinator Nebraska Office of Rural Health** Phone: (402) 471-2337 Fax: (402) 471-0180



#### From the Desk of Marian Beethe:

I am often asked "What is Mediation and what can it do for me?" It isn't an easy answer and as I start, I find that I am asking more questions because it depends so much on the individual and their situation. Mediation is more than a meeting to solve a dispute between two parties, it is a process.

Nebraska has developed a very flexible process to allow each participant to use what they need to move toward solving their dispute. The Farm Mediation Clinics were developed to offer education about

#### NEBRASKA DEPARTMENT OF AGRICULTURE

mediation and the many different legal or financial choices or possible solutions that are available to the participants. They are offered by appointment in all parts of the state each month and are free to all Nebraska farmers and ranchers, and their lenders.

When someone selects mediation as a method to explore and possibly solve a dispute, they are offered a free financial analysis to further explore their unique situation and develop the options they feel will be best for them. The participants are not told what to do by the financial counselor, but are encouraged to look at the consequences and what it will mean to them and their family for each choice they make. People want to make their own informed choices.

You may apply for mediation by calling 800-446-4071 and arrange a session in a neutral setting in your community. If both parties desire to hold the mediation in another community, it can easily be

arranged. The mediator who will meet with you has been trained to seek out the information needed to make a good decision, look into all the options that are presented and reality check them to assure that they will be workable solutions. The mediator does not make the decision to solve the dispute, but records the agreement that the parties decide upon. If you don't reach an agreement, you may pursue litigation through the court system.

When two disputing parties make their own agreement, it is usually a good option for both of them and therefore it is accomplished.

The Mediator is a publication of the Nebraska Farm Mediation Program, which is administered by the Nebraska Department of Agriculture.

Merlyn Carlson, Director Greg Ibach, Assistant Director Marian Beethe, Administrator



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#### Behavioral Health



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#### Farm Mediation



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#### **AgrAbility**



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